

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|--------------------------------------|---|------------------------|
| JAY PAUL DERATANY, individually, |) | |
| and as agent of JAY PAUL DERATANY |) | |
| & ASSOC., LTD., an Illinois |) | |
| Professional Corporation, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 08 CV 3372 |
| |) | |
| DELL FINANCIAL SERVICES, a Texas |) | Judge Milton I. Shadur |
| Corporation, and LTD. FINANCIAL |) | |
| SERVICES, L.P., a Texas Corporation, |) | |
| individually and as agent of DELL, |) | |
| |) | |
| Defendant. |) | |

**DEFENDANTS' MOTION FOR SETTLEMENT
CONFERENCE AND TO EXTEND TIME TO RESPOND**

Defendants Dell Financial Services ("DFS") and LTD. Financial Services, L.P. ("LTD.") (collectively, "Defendants"), by its undersigned counsel, hereby respectfully requests this Court to schedule immediately a settlement conference before a magistrate judge and to extend Defendants' time to answer or otherwise responsively plead to Plaintiff's Complaint. In support thereof, Defendants state as follows:

1. Plaintiff, an Illinois lawyer representing himself, has filed a three-count complaint against Defendants for extortion, fraud and violation of the Fair Debt Collection Practices Act ("FDCPA"). This matter arises out of Defendants' attempt to collect amounts due on an installment contract for a computer used in Plaintiff's business. Plaintiff's complaint is subject to dismissal on several grounds, including, for example, that his

allegations are inconsistent with the operative contract that he references but fails to attach to his complaint. Given the small amount in dispute, however, Defendants believe that a settlement conference would be a more efficient way to resolve this matter rather than impose time and expense on this Court and the parties to brief a dispositive motion.

2. Defendants have diligently been attempting to engage Plaintiff in settlement discussions to resolve this matter quickly and efficiently. However, because of Plaintiff's lack of responsiveness, Defendants ask this Court to schedule immediately a settlement conference and to extend the time for Defendants to respond to Plaintiff's complaint.

3. Defendants' most recent settlement offer to Plaintiff was sent in writing to Plaintiff on June 27, 2008. The offer was a good-faith offer and included a cash settlement payment. After numerous calls and emails to Plaintiff, counsel for DFS was able to contact Plaintiff by telephone on July 8, 2008 and attempted discussions. Defendants have been attempting since July 8, 2008 to make an updated good-faith settlement offer to Plaintiff and continue discussions. However, despite numerous telephone calls and emails from Defendants' counsel, Plaintiff has not responded.

4. The purpose of this motion is not to delay the proceedings before this Court. To the contrary, the purpose of Defendants' request for a settlement conference is to avoid unnecessary time, cost and expense by both the Court and the Defendants to address Plaintiff's baseless allegations and claims. Instead of forcing the Court and the parties through the time and expense of briefing and arguing a motion to dismiss, Defendants are taking the practical step of attempting to have reasonable, constructive settlement discussions in order to resolve this matter swiftly and efficiently.

5. In light of the value of Plaintiff's claims and the constructive attempts by Defendants to resolve this matter, a settlement conference prior to Defendants' filing of answers and responsive pleadings will lead to an efficient use of this Court's time and resources. Accordingly, participation of all parties in a settlement conference is warranted to avoid costly litigation and to achieve an efficient resolution of this matter.

WHEREFORE, Defendants respectfully request this Court to schedule immediately a settlement conference before a magistrate judge and to extend Defendants' time to respond to Plaintiff's complaint until seven (7) days after that conference.

Dated: July 10, 2008

Respectfully submitted,

DELL FINANCIAL SERVICES

By: /s/ Mary E. Anderson
One of Its Attorneys

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LTD. FINANCIAL SERVICES, L.P.,

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One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on July 10, 2008, she caused a true and correct copy of the foregoing **Defendants' Motion for Settlement Conference and to Extend Time to Respond** to be served via Messenger delivery upon:

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/s/ Mary E. Anderson
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